

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Just Funky, LLC,)	CASE NO. 5:21-cv-1127
)	
Plaintiffs,)	JUDGE:
)	
vs.)	
)	
Boom Trendz, LLC, Melissa Carpenter, and)	
Deepak Tyagi,)	
)	
Defendants.)	

**MOTION FOR TEMPORARY RESTRAINING
ORDER AND/OR PRELIMINARY INJUNCTION**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiff Just Funky, LLC (“Plaintiff”), moves this Court for the issuance of a Temporary Restraining Order and/or Preliminary Injunction against Defendants Boom Trendz LLC (“Boom Trendz”), Melissa Carpenter (“Carpenter”), and Deepak Tyagi (“Tyagi”) (collectively referred to as “Defendants”).

As detailed in the Verified Complaint and the accompanying Memorandum in Support, Tyagi and/or Carpenter breached their respective restrictive covenant agreements (the “Tyagi Agreements” and “Carpenter Agreements”) that each entered into in connection with their employment with Plaintiff. Specifically, Tyagi has breached the Tyagi Agreements by accepting employment with Boom Trendz, a direct competitor of Plaintiff, by disclosing Plaintiff’s confidential information and trade secrets, and by soliciting customers, manufacturers, and suppliers of Plaintiff for the benefit of Boom Trendz and to the detriment of Plaintiff, all in violation of the Tyagi Agreements. Similarly, Carpenter has breached the Carpenter Agreements by her ownership and operation of Boom Trendz, by soliciting customers, manufacturers, and

suppliers of Plaintiff, and by directing Tyagi to solicit customers, manufacturers, and suppliers of Plaintiff.

Tyagi and Carpenter have engaged in such wrongful conduct on behalf of themselves and Boom Trendz. Indeed, upon information and belief, Boom Trendz, with full knowledge of Tyagi's obligations under the Tyagi Agreements, has condoned and actively assisted Tyagi and Carpenter in breaching the Tyagi Agreements and Carpenter Agreements. Notwithstanding its knowledge of Tyagi's and Carpenter's obligation to maintain the confidentiality of Plaintiff's trade secrets, Boom Trendz obtained from Tyagi, Carpenter, or both, and used confidential information and trade secrets belonging to Plaintiff in furtherance of its competitive business activities.

In engaging in such wrongful conduct as described above and discussed in more detail in the Verified Complaint, Tyagi and/or Carpenter have disclosed Plaintiff's confidential, proprietary information and trade secrets, and Boom Trendz has unlawfully misappropriated said information to unlawfully compete with Plaintiff. If Defendants are not immediately enjoined from engaging in such wrongful conduct, Plaintiff will suffer irreparable harm.

This Motion is supported by Plaintiff's Verified Complaint with its supporting exhibits and the accompanying Memorandum in Support, which is incorporated herein by reference.

For all the reasons set forth above and in the accompanying Memorandum of Support, Plaintiff respectfully requests that the Court:

- (a) enter a temporary restraining order against Defendants preventing each of them from:
 - (i) contacting or soliciting any customer, manufacturer, or supplier of Plaintiff,
 - (ii) otherwise violating or assisting Tyagi or Carpenter in violating their obligations pursuant to the Tyagi Agreements and Carpenter Agreements, and

(iii) using, disclosing, and/or misappropriating any of Plaintiff's confidential, trade secret and proprietary information;

(b) schedule a preliminary injunction hearing approximately twenty-one (21) days later in order to allow time for limited, expedited discovery; and

(c) provide for all other relief just and proper in the circumstances.

Respectfully submitted,

/s/ Adam E. Primm

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Temporary Restraining Order and/or Preliminary Injunction and Memorandum in Support were filed electronically on Friday, June 4, 2021, in accordance with the Court's Electronic Filing Guidelines. The Notice of this filing will be sent to Defendants Boom Trendz and Carpenter by U.S. Certified Mail to:

Boom Trendz, LLC
c/o Eric Vincent Johns
5766 Old Lincolnway W.
Wooster, OH 44691

Boom Trendz, LLC
c/o Melissa Carpenter
1761 Harold Avenue
Wooster, Ohio 44691

Melissa Carpenter
1761 Harold Avenue
Wooster, Ohio 44691

The Notice of this filing will be sent to Defendant Tyagi by service in accordance with the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents, pursuant to Fed. R. Civ. P. 4(f)(1). Defendant Tyagi will also be served in accordance with India's law for service in an action in its courts of general jurisdiction, pursuant to Fed. R. Civ. P. 4(f)(2)(A) to:

Deepak Tyagi
RZ-h-9 Raghunagar
New Delhi, India 11045

And by electronic mail to:

deepak@boomtrendz.com
Deepak.tyagi1988@outlook.com

/s/Adam E. Primm
Adam E. Primm